Docket No. MENDMENT TRANSMITTAL LETTER SPINE 3.0-455 CIP CONT II pplication No. Filing Date Examiner 784,504-Conf. #2919 May 6, 2004 A. M. Schillinger Applicant(s): Rafail Zubok, Michael W. Dudasik, and Joseph P. Errico INSTRUMENTATION AND METHODS FOR USE IN IMPLANTING A CERVICALDISC Invention: REPLACEMENTDEVICE TO THE COMMISSIONER FOR PATENTS Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. **CLAIMS AS AMENDED** Claims Highest Remaining Number Number After Previously **Extra Claims Amendment** Paid Present Rate 52.00 **Total Claims** 12 20 0 Х Independent 0 3 3 220.00 х Claims Multiple Dependent Claims (check if applicable)

Art Unit

3774

0.00 0.00 Other fee (please specify): TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: 0.00 Small Entity x Large Entity x No additional fee is required for this amendment. in the amount of \$ Please charge Deposit Account No. A duplicate copy of this sheet is enclosed. A check in the amount of \$ to cover the filing fee is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed. x Credit any overpayment. x Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17. Dated: January 21, 2009 Kevin M. Kocum Attorney/Agent Reg. No.: 54,230 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090

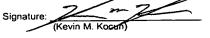
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 21, 2009

(908) 518-6383

Signature: (Kevin M. Kocun) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 21, 2009





Docket No.: SPINE 3.0-455 CIP CONT II (PATENT)

: Group Art Unit: 3774

: Examiner: A. M.

Schillinger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Zubok et al.

Application No.: 10/781,504

Filed: May 6, 2004

For: INSTRUMENTATION AND METHODS FOR

USE IN IMPLANTING A CERVICAL

DISC REPLACEMENT DEVICE

MS RCE Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT

Dear Madam:

In response to the Official Action mailed July 25, 2008, Applicants submit the following amendments and remarks.